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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

MAR 11 1991

Federal Communications Commission  
Office of the Secretary

In the Matter of

Amendment of the Commission's  
Rules Concerning the Use of  
930-931 MHz For An Advanced  
Messaging Service

RM - 7617 ✓

To: The Commission

COMMENTS  
OF  
NATIONAL ASSOCIATION OF BUSINESS  
AND EDUCATIONAL RADIO, INC.

The National Association of Business and Educational Radio, Inc. ("NABER"), pursuant to Section 1.405 of the Commission's Rules, 47 C.F.R. §1.405, hereby respectfully submits its Comments in response to the Petition for Rule Making ("Petition") submitted by Telocator in the above-captioned proceeding.<sup>1</sup>

I. BACKGROUND

NABER is a national, non-profit, trade association headquartered in Alexandria, Virginia, that represents the interests of large and small businesses that use land mobile radio communications as an important adjunct to the operation of their businesses and that hold thousands of licenses in the private land mobile radio services. NABER has five membership sections representing Users, Private Carrier Paging licensees, Radio Dealers, Technicians and Specialized Mobile Radio operators.

<sup>1</sup>Public Notice No. 1836 (February 7, 1991)

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**NABER's** membership comprises over 6,000 of these businesses and service providers.

For the past 19 years, **NABER** has been the recognized frequency coordinator in the 450-470 MHz and 470-512 MHz bands for the Business Radio Service. **NABER** is also the Commission's recognized frequency coordinator for the 800 MHz and 900 MHz Business Pools, 800 MHz "old" conventional channels for Business eligibles and conventional SMR Systems, and for the 929 MHz paging frequencies. In its Report and Order in PR Docket No. 83-737, the Commission designated **NABER** as the frequency coordinator for all Business Radio Service frequencies below 450 MHz and, in a joint effort with the International Municipal Signal Association ("IMSA") and the International Association of Fire Chiefs ("IAFC"), the Special Emergency Radio Service frequencies.

In 1989, **NABER** established the Association for Private Carrier Paging ("**APCP**"). Since that time, the Association has grown to include in its membership over 200 companies. This group has been actively involved in a variety of Commission proceeding, including filing separate Comments on behalf of **APCP** in PR Docket No. 88-548 (Frequency Coordination) and PR Docket No. 89-552 (Allocation of 220 MHz). **APCP** has developed committees which have met with Commission officials on several occasions to discuss issues of importance to **APCP**, and **APCP** committees are currently exploring means by which paging systems can more efficiently share the scarce spectrum made available for private carrier paging.

In this proceeding, Telocator has proposed that the Commission release the one (1) MHz of spectrum set aside by the Commission in 1982 for "advanced technology paging".<sup>2</sup> Telocator cites the technological developments which are now in development and which promise to bring additional new services to users.

## II. COMMENTS

NABER in part supports the Petition filed by Telocator. Specifically, NABER agrees that now (nearly ten years since the original allocation of 900 MHz paging was made available) is an appropriate time for the Commission to release the final portion of spectrum allocated for paging service. However, as detailed below, NABER recommends that the Commission make AMS spectrum available for all paging service providers.

### A. Current Utilization Of Paging Spectrum

There are presently three bands in which there are frequencies available for private carrier paging: 150 MHz; 460 MHz; and 929 MHz. In the 150 MHz band, there are only two frequencies which are suitable for private carrier paging - 152.480 MHz and 157.740 MHz. The two remaining paging frequencies (154.625 MHz and 158.460 MHz) in the band have significant output power restrictions which severely limit the coverage of systems on the two frequencies. PCP systems generally require a wide area of operation to operate effectively. Therefore, 154.625 MHz and 158.460 MHz are not desirable frequencies for PCP operation. In the 460 MHz band,

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<sup>2</sup>Report and Order, Gen. Docket No. 80-183, 89 FCC 2d 1337, 1342 (1982).

there are eight (8) frequencies which are suitable for PCP systems. Finally, in the 929 MHz band there are twenty (20) frequencies available for PCP systems.

As a result of the Commission's action in PR Docket No. 83-737 (wherein the Commission clarified its private carrier rules), the number of new PCP systems has risen dramatically. Further, PCP systems have been extremely successful in terms of a growing customer base. Thus, additional frequency options are necessary for paging systems.

As an example of paging channel congestion, on 152.480 MHz, the most popular private carrier paging frequency, NABER's records indicate that there are 112 paging transmitters licensed to provide service to 116,961 pagers within a 75 mile radius of New York City. The congestion on 152.480 MHz extends to smaller areas as well. For example, there are 44 paging transmitters licensed to provide service to 28,846 pagers within a 75 mile radius of Charlotte, North Carolina on 152.480 MHz.

In order to address some of the need for additional paging frequencies, NABER filed a Petition for Rule Making on February 2, 1988 requesting the allocation of certain 150 MHz frequencies for paging operation.<sup>3</sup> In the proceeding, the Commission recognized the significant congestion on these paging frequencies.<sup>4</sup>

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<sup>3</sup>RM-6276.

<sup>4</sup>Notice of Proposed Rule Making, PR Docket No. 88-373, 3 FCC Rcd 4817 (1988) at para. 18; Report and Order, PR Docket No. 88-373, 54 FR 33902 (August 17, 1989) at para. 24.

The 900 MHz private paging frequencies are now experiencing similar growth. As 900 MHz paging transmitters have developed and become more affordable, APCP members have begun to actively establish systems in the band. Although a few frequencies in the band are still available in the major urban areas, these availabilities are rapidly diminishing, and will soon be unavailable. Thus, it is now appropriate for the Commission to make available the final portion of the spectrum.

**B. Introduction Of Advanced Messaging Services**

Many innovative uses of paging systems are now ready for introduction. Paging technology has advanced to the point that the wristwatch pager is now available at an affordable price. However, beyond the mere reduction in size of paging receivers, new, more spectrum efficient technologies, messaging protocols and add-on services will require additional spectrum as current spectrum is heavily congested and such new technologies are not always spectrum compatible with existing systems. This may preclude frequency sharing between advanced messaging systems ("AMS") and many current paging systems (even those introduced within the past five years).

Based upon the above, NABER believes that the Commission must make available the final portion of the spectrum allocated for paging in order to permit these advanced messaging systems to be fully introduced to the marketplace. Permitting AMS by both the private carrier and common carrier industries will increase competition for AMS service, which will lower costs for users and increase equipment and service availability.

### C. Availability Of Multiple Types Of Service Providers

In its Petition, Telocator requests that the Commission provide that 930-931 MHz band be made available only for common carrier paging systems. Telocator's request ignores the significant efforts of the private carrier paging industry described above, which has fueled the growth and advancement of paging, customizing service to individual customer needs. Private carrier paging providers, who provided the impetus for the growth and development of paging, should not be excluded from AMS, which represents the next step in paging.

In PR Docket No. 89-45, the Commission permitted private carrier paging systems to serve government eligibles in recognition of the specialized and customized services which private carrier paging systems provide.<sup>5</sup> AMS is but another form of the specialized service which the private carrier industry has historically provided, and the private carrier paging industry must be permitted to participate in providing this service.

In several proceedings, NABER and APCP have made the Commission aware of the significant congestion in spectrum available for private carrier paging.<sup>6</sup> Private paging frequencies in the major urban areas are generally characterized by high volume paging systems sharing frequencies with numerous other paging systems. In the 900 MHz band, the Commission recognized over five

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<sup>5</sup>Report and Order, PR Docket No. 89-45, 68 RR 2d 1069 (1991).

<sup>6</sup>See, for example, NABER Comments in PR Docket No. 89-45, PR Docket No. 88-373, PR Docket No. 88-548 and PR Docket No. 89-552.

years ago that private carrier systems were being rapidly licensed and placed in operation by licensees.<sup>7</sup> However, since common carrier paging systems are provided with channel exclusivity, common carrier paging systems **currently** have the ability to provide AMS by changing over their transmitting system, an option not easily available to private carrier systems because of the channel sharing requirements. Thus, Telocator proposes to provide spectrum for common carrier AMS, which could currently be provided by common carrier paging systems. If such an allocation is made, private carrier paging providers will be excluded from being able to provide AMS via existing spectrum due to channel congestion. **NABER** believes that the exclusion of one of the driving forces behind the development of paging services (the private carrier provider) is not in the best interests of the private business and government communities, which are the primary users of paging systems. Therefore, allocation of a common carrier only AMS is not in the public interest.

**NABER** recommends that the Commission make this final portion of paging spectrum available at this time, assigning fifty percent (50%) of the one MHz for private carrier paging, with the balance made available for common carrier paging.

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<sup>7</sup>Report and Order, PR Docket No. 85-102, 58 RR 2d 1290 (1985).

### III. CONCLUSION

WHEREFORE, the National Association of Business and Educational Radio, Inc. respectfully requests that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

National Association of Business  
and Educational Radio, Inc.

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**CERTIFICATE OF SERVICE**

I, Ruth A. Buchanan, a secretary in the law offices of Meyer, Faller, Weisman & Greenburg, P. C. hereby certify that I have on this 11th day of March, 1991 sent by First Class United States Mail, postage prepaid, a copy of the foregoing "Comments" to the following:

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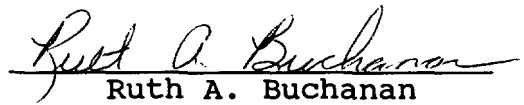
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